

Deficiency Progress Report – Update 2

Report Submitted: January 29, 2010

CUPA: Alpine County Health Department

Evaluation Date: March 24 and 25, 2009

Evaluation Team:

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Corrected Deficiencies: 1, 2, 3, 4, 5, 6, 9, 11, 12

Next Progress Report (Update 3) Due: June 29, 2010

Please update the deficiencies below that remain outstanding.

- 1. Deficiency:** The CUPA has not completed a self audit for the past three fiscal years.

Preliminary Corrective Actions: By September 30, 2009, the CUPA will complete a fiscal year (FY) 2008/2009 self audit that includes all of the required elements. The CUPA will submit the narrative self audit to Cal/EPA.

In subsequent FYs, the CUPA will complete a self audit of its program by September 30 of each year.

CUPA's 1st Update (11-18-09): The completion of a self audit that includes all of the reporting requirements in Section 15280 (Self Audit) is difficult, recognizing the limited resources in a very small rural CUPA like Alpine. The Alpine County CUPA requests guidance from CalEPA staff for completing a self audit in a format that is commensurate and practical with the limited CUPA program of a rural county.

Cal/EPA's 1st Response: Cal/EPA sent the CUPA 3 sample self audit samples on 11-18-09 as requested. Please review the samples and submit the CUPA's FY 2008/2009 self audit the Cal/EPA by January 7, 2010.

CUPA's 2nd Update (1-29-10): Alpine County respectfully submitted it's first Self Audit for FY 2008-09. Thank you for the opportunity to participate in the creation of this marvelous document.

Cal/EPA's 2nd Response: The completion of the CUPA's "marvelous" self audit document corrects this deficiency. Please note that all subsequent self audits should be completed by September 30 of each year.

2. Deficiency: The CUPA's Annual Summary Reports from the past three FYs contain incorrect information or elements of the reports are incomplete.

- The FY 2005/2006 Annual Inspection Summary Report (Report 3) is missing the total regulated businesses information.
- The FY 2007/2008 Report 3 contains the percent of routine inspections with minor violations that returned to compliance (RTC) within 90 days, but not the percent of routine inspections with Class 1 or Class 2 violations that RTC within 90 days.
- The FY 2007/2008 Annual Enforcement Summary Report (Report 4) contains more facilities with minor violations than the total number of routine inspections on Report 3 for both the business plan and the Aboveground Storage Tank program elements. The CUPA was counting the total number of violations rather than the total number of facilities with violations.

Preliminary Corrective Actions: By June 25, 2009, the CUPA will submit its revised FY 2007/2008 Annual Summary Reports to Cal/EPA that contains the correct information.

CUPA's 1st Update (11-18-09):

- CUPA Summary Report #3 for FY 2005-2006 was submitted to Cal/EPA on September 20, 2006. (copy attached).
- Report #3; for FY 2007-2008 was updated to reflect N.A. for "percent of routine inspections with class I or II violations that RTC within 90 days. No Class I or II violations were reported for this fiscal year on Report #4 thus nothing to report (copy attached).
- Summary Report 4 was corrected and resubmitted (attached).

Cal/EPA's 1st Response: Cal/EPA considers this deficiency corrected.

3. Deficiency: The CUPA did not remit the correct CalARP surcharge to the state in FY 2007/2008. The CUPA collected \$270 from its CalARP facility, but only remitted \$120. This was an unintentional error as the CUPA's local CalARP fee of \$120 was remitted instead of the \$270 state surcharge. The correct CalARP surcharge was remitted for FY 2008/2009.

Preliminary Corrective Actions: By June 25, 2009, the CUPA will remit the remaining \$150 in CalARP surcharge for FY 2007/2008 to ARB accounting.

CUPA's 1st Update (11-18-09): Balance of \$150.00 was submitted to ARM on March 24, 2009. Supporting documentation is attached.

Cal/EPA's 1st Response: Cal/EPA considers this deficiency corrected.

4. **Deficiency:** The CUPA is not conducting Hazardous Waste Generator (HWG) inspections with a frequency that is consistent with its Inspection and Enforcement Plan. Specifically, the CUPA did not meet its scheduled HWG inspection frequency of one inspection every three years. The Report 3s show the following:

- In FY 07/08, the CUPA did not perform any HWG routine inspections.
- In FY 06/07, the CUPA performed 10% or 1 out of 10 HWG routine inspections.
- In FY 05/06, the CUPA did not perform any HWG routine inspections.

Preliminary Corrective Actions: By June 30, 2010 the CUPA will inspect at least one third of its HWG facilities.

The CUPA is planning to hire a contractor to implement the HWG program.

CUPA's 1st Update (11-18-09): Alpine County hired an ICC Certified contractor on April 13, 2009 to conduct HWG inspections in Alpine County. Attached are two summary reports describing the work performed. Additional summary reports will be submitted as they are received.

Cal/EPA's 1st Response: Cal/EPA and DTSC consider this deficiency corrected.

5. **Deficiency:** The CUPA is not meeting the mandated inspection frequency for the business plan (BP) program of one inspection every three years. The Report 3s show the following:

- In FY 07/08, the CUPA performed 20% or 6 out of 30 BP routine inspections.
- In FY 06/07, the CUPA performed 33% or 10 out of 30 BP routine inspections.
- In FY 05/06, the CUPA did not perform any BP routine inspections.

Preliminary Corrective Actions: By June 30, 2010 the CUPA will inspect at least one third of its BP facilities.

CUPA's 1st Update (11-18-09): The CUPA will meet the required frequency of inspections of Business Plan facilities by June 30, 2010.

Cal/EPA's 1st Response: In FY 08/09, the CUPA performed 43% or 13 out of 30 of its BP routine inspections. Cal/EPA and CalEMA consider this deficiency corrected.

6. **Deficiency:** The CUPA is not meeting the mandated inspection frequency for the CalARP program of one inspection every three years. The CUPA has not performed a CalARP inspection of its 1 facility within the last three FYs.

Preliminary Corrective Actions: By June 30, 2010 the CUPA will inspect its CalARP facility.

CUPA's 1st Update (11-18-09): The CalARP facility was inspected on June 26, 2009. The CUPA is in compliance with this requirement.

Cal/EPA's 1st Response: Cal/EPA and CalEMA consider this deficiency corrected.

7. **Deficiency:** The CUPA has not received annual inventories or annual "no change" certification statements by March 1 of each year from all of its BP facilities.

Preliminary Corrective Actions: By March 1, 2010, the CUPA will ensure that businesses submit annual inventories or annual "no change" certification statements by March 1 of each year.

CUPA's 1st Update (11-18-09): By December 31, 2009, the CUPA will notify business to submit annual inventories or annual "no change" certification forms by March 1, 2010.

Cal/EPA's 1st Response: Please refer to CalEMA's response.

- **CalEMA's Response:** With the next quarterly update, please report the number of inventories or certifications received.

CUPA's 2nd Update (1-29-10): Requests for submittal of business plans or "no change" certification forms were sent to all regulated facilities by January 31, 2010.

Cal/EPA's 2nd Response: With the next quarterly update, please report the number of inventories or certifications received.

CUPA's 3rd Update: Enter Update Here

8. **Deficiency:** CUPA is not obtaining BPs from all businesses subject to the program.

Preliminary Corrective Actions: By March 25, 2010, the CUPA will ensure that all businesses subject to the BP program establish and implement a BP.

CUPA's 1st Update (11-18-09): The CUPA will comply with this requirement by March 25, 2010.

Cal/EPA's 1st Response: Please refer to CalEMA's response.

- **CalEMA's Response:** With the next quarterly update, please report your progress in obtaining business plans.

CUPA's 2nd Update (1-29-10): CUPA staff have notified facilities during routine inspections conducted in 2009 of business plan submittal requirements. The CUPA has received business plans from most facilities. Plans are reviewed for completeness upon receipt.

Cal/EPA's 2nd Response: With the next quarterly update, please report the number business plans received.

CUPA's 3rd Update: [Enter Update Here](#)

9. **Deficiency:** The CUPA inspector is performing UST inspections without an International Code Council (ICC) certification.

Preliminary Corrective Actions: By July 25, 2009, the CUPA will hire a contractor that is ICC certified to perform UST inspections.

CUPA's 1st Update (11-18-09): The CUPA hired a ICC certified inspector on April 13, 2009 to conduct UST inspections. The CUPA is in compliance with this standard.

Cal/EPA's 1st Response: The Cal/EPA and SWRCB consider this deficiency corrected.

10. **Deficiency:** In some cases, the CUPA is not following-up and/or documenting RTC for businesses cited for violations in their inspection reports.

Preliminary Corrective Actions: Immediately, the CUPA will follow-up with businesses cited for violations and document RTC actions. The CUPA may include the disposition of all previously cited violations (corrected or not) in the reinspection reports.

Along with the CUPA's first progress report, the CUPA will submit 2 copies of recent inspection reports along with documentation of RTC to Cal/EPA.

CUPA's 1st Update (11-18-09): A summary of inspections performed through August 2009 is included with this response. The CUPA will submit copies of inspections reports by December 31, 2009, with documentation of those facilities that have returned to compliance.

Cal/EPA's 1st Response: Cal/EPA will review the reinspection reports when they are submitted.

CUPA's 2nd Update (1-29-10): The CUPA inspector is documenting RTC when reinspections are conducted. This documentation is maintained in each CUPA facility file.

Cal/EPA's 2nd Response: Along with the next progress report, please submit to Cal/EPA two or three recent examples (within the last 6 months) of RTC certifications, reinspection reports, or other follow-up documentation.

CUPA's 3rd Update: Enter Update Here

11. Deficiency: The CUPA does not have a CalARP dispute resolution procedure.

Preliminary Corrective Actions: By June 25, 2009, the CUPA shall submit a CalARP dispute resolution procedure to Cal/EPA.

CUPA's 1st Update (11-18-09): The CUPA included a CalARP dispute resolution with the CUPA's SOPs (Standard Operating Procedure #12-attached).

Cal/EPA's 1st Response: Cal/EPA and CalEMA consider this deficiency corrected.

12. Deficiency: The CUPA does not have a procedure for disclosing confidential information to physician where the physician certifies in writing to the administering agency that the information is necessary for the medical treatment of the physician's patient.

Preliminary Corrective Actions: By June 25, 2009, the CUPA shall submit its confidential information procedure to Cal/EPA that includes a physician disclosure clause.

CUPA's 1st Update (11-18-09): A procedure addressing the physician disclosure clause was added to the CUPA's SOP (Standard Operating Procedure #11-attached).

Cal/EPA's 1st Response: Cal/EPA and CalEMA consider this deficiency corrected.